

An outline map of the state of New Hampshire, oriented vertically. The text of the title is centered over the map.

Adoption in New Hampshire

A Reference Manual

January 2, 2005

INTRODUCTION

This manual was developed to provide basic information to the public, adoption practitioners and court staff regarding the processes and requirements for surrender of parental rights and adoptions. It was developed by staff of the NH Judicial Branch, with invaluable assistance from practitioners in the adoption community.

The manual is presented in a question and answer format for quick reference. Statutory references are also included with all sections and are, of course, regarded as the ultimate source of information and the ultimate ruling authority. The manual is based on RSA 170-B effective January 2, 2005.

In some sections of the manual, recommended practices have been added under a heading of “Best Practice.”

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CHAPTER 1: Surrender of Parental Rights

A. What does surrender of parental rights mean?

RSA 170-B:2; 170-B:9

Surrender of parental rights means the release of all parental rights, including but not limited to care, custody, and control of the child, by a parent, legal guardian or agency.

B. Who must file a surrender of parental rights?

RSA 170-B:5; 170-B:2

1. Unless excused as stated in question C which follows, a surrender of parental rights must be filed by the following people:
 - a. The birth mother;
 - If the mother is under 18 years of age, the court may also require the assent of her parents or legal guardian.
 - b. The legal father;
 - If the legal father is under 18 years of age, the court may also require the assent of his parents or legal guardian.
 - Legal father means: (a) The person designated as the father pursuant to RSA 5-C:11 on that child's birth certificate; or (b) The person designated as the father pursuant to court order resulting from a paternity action; or (c) The person designated as the father upon legitimation pursuant to RSA 457:42; or (d) the person that was married to the birth mother at the time of either conception or birth or any time between conception and birth.
 - c. The birth father provided that he was found to be entitled to notice and found to be entitled to the right to surrender his parental rights under RSA 170-B:6;
 - If the birth father is under 18 years of age, the court may also require the assent of his parents or legal guardian.
 - Birth father means: a person or persons other than a legal father who has been named, pursuant to 170-B:6 as the father of the child, or who is the subject of a pending paternity action, or who has filed an unrevoked notice of intent to claim paternity of the child within the timeframes provided in RSA 170-B:6.
 - d. The legal guardian of the person to be adopted if both parents are deceased, or if parental rights of the birth parent or parents have been surrendered or involuntarily terminated, and the court has granted the guardian authority to surrender parental rights for an adoption;
 - e. The department of health and human services or any licensed child-placing agency which through court action or surrender has been given the care, custody, and control of the person to be adopted including the right to surrender parental rights for an adoption.
2. If a surrendering parent is alleged to be incapacitated, incompetent, mentally ill, developmentally disabled, or in any other way mentally deficient, the court may appoint a guardian ad litem to protect the interests of that person.

Best Practice

Regarding: Who must file a surrender of parental rights?

- If the birth mother or father is a minor, and the minor's parents or legal guardian have not assented to the surrender of parental rights, the judge will discuss with the surrendering parent whether or not to notify the parents and obtain their assents. An additional hearing may then be required.
- If the surrendering parent has a guardian, the court should determine if the guardian agrees to the parent's surrender of parental rights.
- For every adoption whether or not a father has been named, the court will check with the NH Office of Child Support Services to determine if any person has registered his claim of paternity of the child to be adopted. See Probate Court Procedure Bulletin 25 regarding putative father registries.

C. Which persons are not required to surrender their parental rights?

RSA 170-B:7

1. Surrender of parental rights is not required of the following people:
 - a. The alleged father who has not met the requirements of RSA 170-B:5, I (*legal father*) or RSA 170-B:6 (*birth father who claims paternity*);
 - b. A parent whose parental rights have been voluntarily or involuntarily terminated by order of a court in another state;
 - c. An alleged father who is found not to be the father pursuant to RSA 168-A (*paternity action*);
 - d. Any parent of the individual to be adopted, if the individual to be adopted is an adult;
 - e. A parent whose parental rights have been terminated by order of the court under RSA 170-C (*involuntary termination of parental rights*);
 - f. Parents whose parental rights have been determined to be voluntarily or involuntarily terminated by the proper authorities in another country, such determination to be evidenced by documentation issued by the United States Department of Justice or the Department of State and deemed acceptable by court rule.

D. What is the procedure for surrendering parental rights?

RSA 170-B:8; 170-B:9

25 U.S.C. § 1901 et. seq. (Indian Child Welfare Act)

1. No surrender of parental rights may be taken until a passage of a minimum of 72 hours after the birth of the child. The surrender of parental rights of a parent who qualifies for the protection of Indian Child Welfare Act can not be taken until a passage of a minimum of 10 days after the birth of an Indian child.
2. Any parent wishing to surrender his or her parental rights must be informed by the parent's legal counsel or if counsel has been waived, by the potential adoptive parents or by their attorney, physician or any intermediary acting in their behalf, or a licensed child-placing agency, that child-placing agencies licensed under RSA 170-E are available to provide counseling about the parent's decision to place the child for adoption.
3. Any parent surrendering parental rights will be represented by their own legal counsel, unless such representation is waived by the parent and approved by the court.
4. A surrender of parental rights must be in writing, and signed by the parent.
5. A surrender of parental rights must be done in the presence and with the approval of the court of the county in which the parent resides. The court may designate a person or another court to take the parent's surrender of parental rights.
6. Any parent surrendering parental rights must file with the court a document outlining his or her medical and personal background and that of child.
7. If the parent is under 18 years of age, the court may require the assent of the minor's parents or legal guardian.
8. If the parent does not reside in New Hampshire, the surrender may be taken according to the laws of the state where the parent resides. In those cases, an affidavit stating that the surrender was done in accordance with the laws of that state must accompany the surrender. If an agency is involved, it must also state that the agency named has the authority to sign the surrender of parental rights.
9. A surrender of parental rights does not need to name or otherwise identify the adopting parents.
10. A surrender done by the department of health and human services or by an agency must be in writing and signed by the executive head or other authorized person, in the presence of a person authorized to take acknowledgements.
11. When a parent who qualifies for the protection of Indian Child Welfare Act consents to an adoption, the court must include a certificate signed by the judge stating that the terms and consequences of the consent were fully explained in detail and were fully understood by the parent. The court must also certify that the parent understood English or the explanation was interpreted into a language that the parent understood.

Best Practice

Regarding: What is the procedure for surrendering parental rights?

- The law now calls for any parent surrendering parental rights to have an attorney. That attorney should advise them of the significance of the legal process being completed, including the limitations related to withdrawing such an action and the legal impact of naming or not naming the father of the child.
- All hearings for a surrender of parental rights should be recorded. If a designee or representative takes the surrender of parental rights, the recording may be done on any type recording device. The court record may also be taken by a stenographer.
- The preferred procedure is to have all surrenders of parental rights done before a judge for both related and unrelated cases. The parent surrendering parental rights should appear. If an authorized person takes the surrender, the judge must specify why it cannot be done in court.
- Anyone taking a surrender within New Hampshire should follow the "Guidelines to Conduct Surrender" (Appendix C) as closely as possible.
- The best practice is to file the surrender of parental rights and petition for adoption at the same time. A surrender should not be filed prior to a petition for adoption since the parent's rights to care, custody and control of a child will cease and there would be no adoptive parents yet named to whom to transfer those rights.
- At the time of the surrender, the court should inquire as to whether or not the birth parent has completed a Release of Information form. See question G of this chapter and Chapter 10 for more information.

E. What are the consequences of a surrender of parental rights?

RSA 170-B:11

1. All rights of a parent with reference to the care, custody and control of the child shall cease when a surrender is executed according to the law and approved by the court.
2. The right to notice of any future hearings is waived when a surrender is executed according to the law and approved by the court. At the time of giving the surrender, the parent surrendering parental rights will be asked if he or she wishes to receive notice when a final decree of adoption has been done.
3. If a surrender is done by any individual not a parent, that person may not object later to the adoption of that child.
4. Once the court has approved a surrender of parental rights, the court will issue an order granting

temporary care, custody and control of the child to the prospective adoptive parents or where applicable, to the department or agency. Such an order will not be issued in the case of stepparent adoptions.

5. The status of all children for whom care, custody and control has been transferred through surrender will be reviewed at least once every 6 months until an adoption decree has been finalized.

E. How does a person withdraw a surrender of parental rights?

RSA 170-B:12

25 U.S.C. § 1901 et. seq. (Indian Child Welfare Act)

1. A parent wishing to withdraw a surrender must notify the court in writing where the surrender was taken.
2. Notification must be done prior to the entry of the final decree of adoption.
3. When the court receives written notice of a parent's request to withdraw his or her surrender, the court will notify the prospective adoptive parents and the agency, if any.
4. The court will conduct an evidentiary hearing and will determine who should be present at the hearing. (The rules of evidence are not applicable at this hearing.)
5. A surrender done in accordance with the law may not be withdrawn unless the court finds that the parent has proven, by a preponderance of the evidence, that the surrender was obtained by fraud or duress and that the withdrawal of the surrender is in the best interests of the adoptee.
6. If the court grants the withdrawal of the surrender, it will then notify any other party who has surrendered their rights to the child. That party will have 30 days from the register's notice of decision to request in writing that his or her surrender also be withdrawn.
7. A surrender may not be withdrawn after the entry of the final decree of adoption for any reason.
8. If the parent qualifies for the protection of Indian Child Welfare Act, the motion to withdraw the surrender of parental rights may be withdrawn for any reason at any time prior to the entry of a final decree of adoption. For two years after the entry of a final decree of adoption, the parent may withdraw the surrender on the grounds of fraud or duress.

Best Practice

Regarding: How does a person withdraw a surrender of parental rights?

- If a withdrawal of the surrender of parental rights has been filed, the court should also consider appointing a guardian ad litem for the child.

G. May a birth parent authorize the release of identifying information?

RSA 170-B: 24, II (a)(3)

See also Chapter 10 of this document regarding confidentiality of records.

When signing a surrender of parental rights, or at a later time, a parent may sign a release of information, authorizing the department of health and human services or a child-placing agency to release identifying information in certain circumstances. A separate form for the release of identifying information would be required for each parent. The release of information authorization may be revoked or amended at any time. The person signing the release of information or its revocation, or the person's agent, should file a copy of the release or revocation with the child-placing agency, if any, and the court in which the adoption petition was filed.

CHAPTER 2: Notice to Alleged Father

A. Does an alleged father have a right to request a hearing to prove paternity?

RSA 170-B:6

1. Except in international adoptions, the following persons have the right to request a hearing to prove paternity, and the court will send them a notice describing that right:
 - a. A person named by the birth mother in an affidavit filed with the court and given prior to or at the time of the surrender of parental rights, or at the time her parental rights are involuntarily terminated;
 - b. The birth or legal father, if his identity is known by the court, the department of health and human services or licensed child-placing agency which is legal guardian of the child, or the proposed adoptive parents or their attorney;
 - c. A person who claims to be the father and who has registered his claim of paternity with the Office of Child Support Services (also known as the New Hampshire Putative Father Registry), or in the putative father registry of the state where the child was born, upon the forms supplied by them;
 - The person may register his claim of paternity prior to the birth of the child but must registry his claim of paternity prior to the birth mother surrendering her parental rights or her parental rights being involuntarily terminated.
 - See Procedure Bulletin 25 regarding putative father registries for additional information.
 - d. A person who is openly living with the child or the child's mother and providing financial support to the mother or child at the time any action under this chapter is initiated and who is holding himself out to be the child's father.
2. In each of the above circumstances, and unless otherwise noted as in 1(c) above, the person claiming paternity must do so prior to the birth mother surrendering her parental rights pursuant to RSA 170-B:9 or her parental rights being involuntarily terminated.

B. What should the alleged father do upon receiving the court notice to alleged father?

RSA 170-B:6, II

Once notified by the court, the alleged father has thirty days to request a hearing at which he will have the burden of proving, by a preponderance of the evidence, that he is the birth or legal father of the child.

Best Practice

Regarding: What should the alleged father do upon receiving the court notice to alleged father?

- The court will generally order a paternity test be done for any alleged father who has filed with the court. The alleged father would bear the cost of the test. If the judge issues an order for a paternity test naming the parties (birth mother, birth father, and child), and orders that the test be done through DHHS, the test will cost significantly less than a private test.

C. What happens if the alleged father ignores the notice from the court?

RSA 170-B:6, II

If the alleged father fails to request a hearing as described in question B above, he shall forfeit all his parental rights over the child and any right to notice of any adoption proceedings concerning the child.

CHAPTER 3: Adoption Petitioning the Court

A. Who may be adopted?

RSA 170-B:3

Any individual may be adopted.

B. Who may be required to file an assent to an adoption?

RSA 170-B:3; 170-B:4

1. If the adoptee is 14 years of age or older, he or she must assent to the adoption unless the court determines that it is not in the best interests of the adoptee to require assent.
2. If the adoptee, whether a minor or an adult, is married, the spouse of the adoptee must also assent to the adoption, unless the court waives the requirement.
3. If a married person petitions for adoption without their spouse as co-petitioner, and the adoptee is over the age of 18, the petitioner's spouse must assent to the adoption.

C. Who may adopt?

RSA 170-B:4

1. The following adults may adopt:
 - a. A husband and wife together.
 - b. An unmarried adult.
 - c. The unmarried father or mother of the individual to be adopted.
 - d. A married person without that person's spouse joining as a petitioner, if the petitioner is not adopting his or her own spouse, and if any one of the following circumstances exists:
 - (1) The petitioner's spouse is a parent of the individual to be adopted and assents to the adoption; or
 - (2) The petitioner and his or her spouse are legally separated; or
 - (3) The failure of the petitioner's spouse to join in the petition is excused by the court because of prolonged unexplained absence, unavailability, or circumstances constituting an unreasonable withholding of consent; or
 - (4) The person to be adopted is over 18, and the spouse of the petitioner assents.
2. No minors may adopt a person.

D. Where is the adoption petition filed?

RSA 170-B:15

1. The probate court and family division court share jurisdiction to grant a petition for adoption if the individual to be adopted is present in the state or is in the legal custody or legal guardianship of an authorized agency located in the state at the time of filing the petition. Grafton and Rockingham Counties are the only counties that currently have family division courts, but additional expansion will occur starting in 2005. To determine if a family division court has been established in your county, contact the county probate court. See Appendix G of this manual for contact information.
2. The petition for adoption should be filed at the probate court or family division court in the county in which the surrender, minor guardianship or termination of parental rights has occurred related to the same adoptee. Proceedings may be transferred to another court within the state in the interest of substantial justice.

E. When should the adoption petition be filed?

RSA 170-B:16, I

Court Improvement Project: Chapter 14, Protocol 2.

1. A petition to adopt an adult or a related child may be filed at any time.
2. A petition to adopt an unrelated child must be filed within 30 days after the child has been placed in an adoptive home. A petition may be filed at a later date with permission from the court. The court must first determine that the failure to file the adoption petition within the 30 day period was not due to the petitioner's negligence or his or her willful disregard of the provisions of the law. The court may require a general motion to explain the late filing.
3. The Court Improvement Project protocols require that any petition for adoption filed by DCYF on behalf of adoptive parents be filed no later than ninety (90) days from the date of relinquishment (now known as surrender) or termination of parental rights.

F. What must be filed to begin the adoption process?

RSA 170-B:16

1. The court will provide a standard Petition for Adoption form (AOC-082) to be completed by the petitioner.
2. The petition must be accompanied by written surrenders as required by 170-B:5, the name of any person whose surrender is required but who has not surrendered his or her parental rights, and the facts or circumstances which excuse the lack of such surrender which is normally required.
3. The petition for adoption must be signed by the petitioner under oath which means that a justice of the peace or notary public must witness the petitioners' signatures.
4. In the caption of the petition "In the Matter of the Adoption of", the person to be adopted should be listed by the person's birth name, if it is known to the petitioners.
5. The petition includes the following information which must be provided by the petitioner:

- a. The date and place of birth of the person to be adopted, if known;
 - b. The name to be used for the person to be adopted;
 - c. The date and name of the court where the petitioner acquired custody of the minor and of placement of the minor and the name of the person or agency placing the minor;
 - d. The full name and age of the petitioner,
 - e. The place of residence of the petitioner and the length of time lived in such residence;
 - f. The marital status of the petitioner, including the date and place of marriage, if married;
 - g. Information regarding the petitioner's facilities and resources suitable to provide for the nurture and care of the minor to be adopted;
 - h. A statement that it is the desire of the petitioner to establish the relationship of parent and child with the person to be adopted.
- 6. A certified copy of the birth certificate or verification of birth record of the individual to be adopted must be given the court when the petition is filed.
 - 7. If the child is placed for adoption by an agency, any name by which the child was previously known will not be disclosed in the notice of hearing, or in the decree of adoption.
 - 8. If a child is to be adopted from another state or country, the petition will include documentation indicating compliance with RSA 170-A and RSA 170-B:28.
 - 9. If the surrender was done in another state or country, or medical information was not provided previously as required of the birth parents, the petitioner will file information on the age, medical and personal backgrounds of the birth parents and the minor.

G. Who pays the costs of filing the petition for adoption?

RSA 170-B:30

All entry fees and courts costs for the adoption will be paid by the petitioner. The court may waive entry fees and court costs where payment would be a hardship on the petitioner. The department of health and human services does not have to pay any entry fees and court costs.

H. What other documents must be filed for an adoption?

RSA 170-B:19, IV; 170-B:28

- 1. In the case of an adoption of an unrelated child, the petitioner must file an affidavit listing the amount of fees or other charges, whether in the form of cash, gifts, or other things of value, paid to, or on behalf of, birth parents, physicians, attorneys, or any other person in connection with the adoption, including but not limited to fees for medical, legal or investigatory services conducted pursuant to RSA 170-B:18, or board and care for mother or child.
- 2. When the child is from another State or Country, the petitioners must file an application to the

commissioner of health and human services to bring the child into this state for the purpose of an adoption.

3. An assessment, as described in Chapter 6 of this document, may also be required.

CHAPTER 4: Adoption

Notice of Adoption Hearing

A. Who receives notice of the adoption hearing?

RSA 170-B:17

1. After the filing of a petition to adopt a minor, the court will send the following persons notice of the time and place of the hearing:
 - a. the petitioners;
 - b. the guardians of the person of the child;
 - d. the person having legal custody of the child;
 - e. the guardian ad litem of any party.
2. If the person to be adopted is an adult, the court will send a notice of hearing to any person whose assent to the adoption is required but who has not assented.

B. How will the adoption hearing notice be sent?

RSA 170-B:17

The notice will be sent by regular mail.

CHAPTER 5: Adoption Expenses of Birth Parent

A. Which expenses of the birth parent may be paid by the adoptive parent?

RSA 170-B:13; 170-B:19, V

1. In the adoption of an unrelated child, the prospective adoptive parent or anyone acting on their behalf may pay only the following expenses of the birth parent:
 - a. Reasonable counseling, medical, and legal fees, which will be paid directly to the provider of the service.
 - b. Reasonable expenses for transportation, meals, clothing, and lodging incurred for placement of the child.
 - c. Reasonable expenses for adoption services provided by an agency at the request of the birth parent, which will be paid directly to the agency.
 - d. Reasonable living expenses of the birth mother which are necessary to maintain an adequate standard of living which the birth mother is unable to otherwise maintain because of loss of income or other support resulting from the pregnancy and lost wages resulting from the pregnancy or delivery. Payments may cover expenses incurred during the pregnancy-related incapacity, but not for a period longer than 6 weeks following delivery. Reasonable living expenses does not include gifts in excess of \$50, educational expenses, or other payments for the monetary gain of the birth parent.
2. In the adoption of an unrelated child, before a final decree of adoption is issued, the petitioners must file an affidavit listing the amount of fees or other charges, whether in the form of cash, gifts, or other things of value, paid to, or on behalf of, the birth parents, physicians, attorneys, or any other person in connection with the adoption. The affidavit would include, but not be limited to, fees for medical, legal or investigatory services conducted pursuant to RSA 170-B:18, or board and care for the birth mother or child

B. May a contract require that adoptive parents be reimbursed for expenses?

RSA 170-B:13, II

No, a contract which requires or implies that a birth parent must reimburse a prospective adoptive parent for appropriate expenses paid is not allowed and would be considered void.

C. What happens if a birth parent later argues that an agreement included invalid provisions?

RSA 170-B:13, III

Even if an agreement was found to have provisions that were in violation of the law, the effect of the adoption would not be changed. Also, if an adoptive parent paid or refused to pay expenses or other money or things of value not allowed by the law, such action would not be grounds for the finding of fraud or duress affecting the validity of a surrender of parental rights.

D. Can the adoptive and birth parents make arrangements to exchange information after the surrender of parental rights has occurred?

RSA 170-B:14

Yes, the adoptive parents, birth parents or licensed child-placing agency may have arrangements or understandings with respect to the exchange of information, whether identifying or non-identifying. However, no such arrangement or understanding is binding or enforceable by law.

CHAPTER 6: Adoption

Assessment (also known as Home Study)

A. Under what circumstances is an assessment required?

An assessment is required for all adoptions, unless waived.

B. When does the court waive the assessment requirement?

RSA 170-B:18, III, V

The court may waive the assessment requirement if:

- a. the petitioner or petitioner's spouse is the birth parent of the child to be adopted; or
- b. the minor child is related to the petitioners and has resided with them for at least 3 years prior to filing the petition for adoption, and the parents of the minor child have surrendered their parental rights.

C. Who completes the assessment?

RSA 170-B:18

The department of health and human services, or a licensed child-placing agency designated by the court will conduct the assessment.

D. When must the assessment be completed?

RSA 170-B:18, I and II

1. In the adoption of a related minor child, or an adoption of a minor child through an agency, the written report of the assessment must be filed with the court by the agency not later than 60 days after the petition for adoption has been filed in the court.
2. In the case of an adoption of an unrelated child not done through an agency, the adoptive parents must request the assessment at least 30 days before the child is placed in their home. (Failure to comply with the 30 day requirement will be grounds for dismissal of the petition for adoption. However, the petition may still be granted if the petitioner shows that the failure to request an assessment within the 30-day period was not due to the petitioner's negligence or their willful disregard of the provisions of the law.)
3. In all cases, the assessment must be completed before the hearing on the petition for adoption is held.

E. What does the assessment include?

RSA 170-B:18, I

1. Guidelines for the assessment report are included as Appendix D of this document. In general terms, the law requires the department of health and human services or the child-placing agency provide the court with the following information:

- a. The conditions of the petitioner for the purpose of ascertaining whether the adoptive home is a suitable home for the child and whether the proposed adoption is in the best interest of the child;
 - b. The petitioner's ability to give the prospective adoptee a proper home and education, including whether the commissioner of the department of health and human services will provide or contribute funds for the necessary maintenance or medical care of the prospective adoptee under an adoption subsidy agreement.
2. The court may also request an assessment of the extended birth family of the minor child to be adopted.

Best Practice

Regarding: What does the assessment include?

- Assessment reports should follow the Guidelines for an Assessment, Appendix D of this manual. These guidelines are based upon NH Child-Placing Agency Rules and are in compliance with rules of the department of health and human services. Reports should be consistent in format and sequence of the guidelines.
- Assessments done out-of-state or in a foreign country may vary from the guidelines.
- If an agency wants to recommend a continuation of the interlocutory decree, it should clearly describe in the assessment report the reason for the extension and an amount of time recommended for the extension.

CHAPTER 7: Adoption Court Hearing

A. How soon may the adoption hearing be scheduled?

RSA 170-B:19

After the petition for adoption has been filed, and all requirements such as the home assessment have been filed, the court will set a time and place for a hearing on the petition. All parties will be given notice of the hearing.

B. Who *must* attend the adoption hearing?

RSA 170-B:19, I

The petitioner and the individual to be adopted must appear at the hearing on the petition for adoption, unless the presence of either is excused by the court.

C. Who *may* attend the adoption hearing?

RSA 170-B:23

Court Improvement Project: Chapter 14, Protocol 6

All hearings held in adoptive proceedings will be in closed court and not open to the public. Only essential officers of the court, the parties, their witnesses, counsel, and representatives of the agencies present to perform their official duties may attend the adoption hearing.

D. What will happen at the hearing?

RSA 170-B:19

Court Improvement Project: Chapter 14, Protocol 7 and 8

1. In order to determine if the adoption should occur, the court will:
 - a. Determine if the required surrenders and/or assents have been obtained or excused;
 - b. Determine if the adoption is in the best interest of the individual to be adopted;
 - c. Confirm that the court has proper jurisdiction;
 - d. Ascertain if the parental rights have been terminated and that the appeal process has expired;
 - e. Review the applicability of the Indian Child Welfare Act (ICWA);
 - f. Confirm that the adoptive parents have been given, based on information that is reasonably available at the time, information on the age, medical and personal backgrounds of the birth parents and the child to be adopted. (Such information may include, but is not limited to, the ethnic and religious background, as is reasonably known); and
 - g. Review and consider any other information the court deems necessary.
2. If the court determines that the adoption should occur, the court:

- a. may issue a final decree of adoption, where the petitioner or the petitioner's spouse is a birth parent of the minor child to be adopted;
- b. may issue a final decree of adoption in the adoption of a related minor child under RSA 170-B:18, V; or
- c. will issue an interlocutory decree of adoption which will not become final until the minor to be adopted has lived in the adoptive home for at least six (6) months after placement by an agency or the department of health and human services, or for at least six (6) months after the department of health and human services or the court has been informed of the custody of the minor by the petitioner, and an assessment has been completed. (The court may provide for observation, investigation, and further report on the adoptive home during the interlocutory period and may extend the interlocutory period.)

E. If an interlocutory decree of adoption is issued, will there be another hearing on the adoption?

If the court is satisfied that all requirements have been met following the interlocutory decree of adoption, the court will usually issue a final decree of adoption. A hearing is not usually required unless it is wanted by the parties to the adoption or the court needs additional information. The court would notify all parties regarding their need to attend.

F. Can the adoptive parents change the name of the child?

RSA 170-B:26

If in the petition for adoption the adoptive parents request a change of name for the child, the court will order the name change when the adoption decree is issued.

G. When is an adoption final?

RSA 170-B:19

The adoption is final when the judge has signed the final decree of adoption.

H. Can an adoption decree be appealed?

RSA 170-B:21, I

Any final or interlocutory adoption decree may be appealed if done within 30 days from receipt of the adoption order or decree and in the manner and time provided in RSA 567-A.

CHAPTER 8: Adoption

Dismissing the Petition for Adoption

A. Why would the court dismiss a petition for adoption?

RSA 170-B:19, VI; 170-B:20, I and II

1. The court may dismiss the petition for adoption if it is not able to determine that all required surrenders or assents have been obtained or excused, or that the adoption is in the best interest of the individual to be adopted. A hearing, as described in question B below, would not usually be held in this circumstance.
2. The court may also dismiss the petition if at any time between the filing of a petition and the issuance of the final order completing the adoption, the court learns of circumstances indicating that the child should not be given in adoption to the petitioners.
3. Instead of dismissing the petition, the court may extend the interlocutory period and request additional observation, assessment and report on the adoptive home during the extended period.

B. What actions would the court take before dismissing a petition for adoption?

RSA 170-B:20, II

Before entering an order to dismiss the proceedings and prior to a hearing, the court will send a notice to the petitioners and to the department or agency having made the assessment. Notice will be sent at least 5 days prior to the hearing. The petitioners will be entitled to be present at the hearing to admit or refute the facts upon which the impending dismissal action is based.

C. Who will have custody of the child if the petition for adoption is dismissed?

RSA 170-B:20, III and IV

1. If a petition for adoption is dismissed or withdrawn, the custody of the child will revert to the department or agency having had custody prior to the filing of the petition. In all other cases when a petition is dismissed or withdrawn, the child will be placed in the custody of the department and the court shall order the department to make further assessment and report to the court a suitable plan for the future well-being of the child.
2. The court may require persons having an obligation to contribute to the support and maintenance of the minor in such amounts and at such times as it determines are reasonable.

CHAPTER 9: Adoption Documentation of the Adoption

A. To whom and when does the court send notice of the adoption?

RSA 170-B:22, I

Within 7 days after the final decree of adoption is filed, the court will send a report of the adoption to the town clerk of the town where the adopted person was born and to the bureau of vital records, department of health and human services.

B. How do the adoptive parents obtain a new birth certificate?

RSA 170-B:30

1. The adoptive parents may obtain a certified copy of the new birth certificate from the town clerk where the child was born or the NH State Department, Bureau of Vital Records. A birth certificate issued to an adoptive child shall make no reference to adoption and shall conform as nearly as possible to any other birth certificate.
2. Birth certificates of children born in foreign countries are available only through the NH State Department, Bureau of Vital Records. They are not available through local city or town offices.

CHAPTER 10: Confidentiality of Records

A. What does the court keep confidential?

RSA 170-B: 23, II

The court maintains a confidential file of all papers and records, including birth certificates, pertaining to the adoption.

B. How does someone open the *court* adoption file?

RSA 170-B: 23, II

Any court adoption file may be reviewed only upon receiving a written order of the court for good cause shown. There are two types of information: identifying information which identifies the parties to the adoption or non-identifying information which is social or medical information that does not identify the parties to the adoption.

See additional information in this chapter regarding how to obtain whatever information is sought.

NOTE: Effective January 1, 2005, an adoptee may obtain an original birth certificate from the NH State Department, Bureau of Vital Records.

C. What are the steps for obtaining *non-identifying* information?

RSA 170-B:24, I

1. Non-identifying social or medical information may be requested by:
 - a. an adoptee over the age of 18;
 - b. a parent of an adoptee under the age of 18;
 - c. a birth parent of an adoptee.
2. When the court receives a request from any of the people listed in #1 above, the court will refer them to the agency which completed the assessment or home study required during the adoption process.
3. When any of the people listed in #1 above request non-identifying information, the department of health and human services or adoption agency shall disclose such information relating to the adoptee, the birth parents or the blood relatives. Any information which could identify the parties would be deleted.
4. Court approval is not required for the release of non-identifying information to eligible parties.

D. Who may sign an authorization to release *identifying* information?

RSA 170-B: 24, II

1. Only the following people may sign a written release authorizing the department of health and human services or a licensed child-placing agency to disclose identifying information in certain circumstances:
 - a. an adoptee over the age of 18;
 - b. an adoptive parent of an adoptee under the age of 18, but the release will become void when the adoptee reaches the age of 18;
 - c. a birth parent of an adoptee at the time of surrender or later, with a separate release form for each parent.
2. Any written release may be revoked or amended at any time.
3. The person signing the release of information or its revocation, or the person's agent, should file a copy of the release or revocation with the child-placing agency, if any, and the court in which the adoption petition was filed.

E. What are the steps for obtaining *identifying* information?

RSA 170-B:24, II

1. When the court receives a request from any of the people listed in question D above, the court will refer them to the agency which completed the assessment or home study required during the adoption process.
2. When the department or agency receives a request for identifying information and a release has been signed and not previously revoked, the department or agency will take the following steps. No court approval is needed in the following circumstances:
 - a. Contact the person who signed the release to be sure that the person still wants the information to be released;
 - b. Release the identifying information to the other party if the person confirms his or her desire to be contacted, or the person who signed the release cannot be contacted, or is deceased.
3. When the department or agency receives a request for identifying information and no release has been signed or the previously signed release has been revoked, the department or agency will take the following steps. No court approval is needed in the following circumstances:
 - a. Contact the person whose identity is sought to determine if that person wants the information to be released;
 - b. Release the identifying information if the person whose identity is sought and the person seeking identifying information agree to the release of identifying information.
4. For additional circumstances, see question F of this chapter.

E. When is court approval needed to release identifying information?

RSA 170-B:24, III

1. If the parties do not agree, or if they cannot be contacted (except as provided in question E above), or if the department or agency questions the safety of releasing information, the requesting party, department or agency may petition the court to release the identifying information.
2. Court approval will be required for any other requests not allowed under the law.
3. The department or agency will be given notice of the hearing and be entitled to participate in it.

G. Is there a penalty for releasing confidential information related to adoptions?

RSA 170-B:24, IV

Yes, any individual person violating any confidentiality sections of the adoption law will be guilty of a misdemeanor; any agency, firm or corporation will be guilty of a felony.

H. Will the confidentiality section of the law prevent the adoptive parent from obtaining information about the child to be adopted?

RSA 170-B:23, III

No, nothing contained in the confidentiality section of the adoption law will prevent the department of health and human services or the child placing agency from sharing with the adoptive parents all information it has available about the child to be adopted

CHAPTER 11: Adoption-related Proceedings Completed In Other States or Countries

A. Is an adoption done in another state or country recognized as legal in New Hampshire?

RSA 170-B:29

Yes, if the adoption was established according to the laws of another state or country, it will be recognized in New Hampshire. The rights and obligations of the parties as parents will be the same as though the adoption decree was issued in this state.

B. Is a court decree terminating the relationship of a parent and a child from another state or country recognized as legal in New Hampshire?

RSA 170-B:29

Yes, if the termination of the parent-child relationship was completed according to the laws of another state or country, it will be recognized in New Hampshire.

NOTE: The termination of the parent-child relationship may have been voluntary or involuntary and may have been referred to by terms such as consent, surrender, relinquishment, release of parental rights, etc.

C. Should an international adoption be “approved” in New Hampshire?

RSA 170-B:27

The court has a shorter validation process which can be used for an adoption finalized in another country, provided the court has proof of the validity of that adoption. A special form entitled “Validation of International Adoption” is used. The courts can also process this validation without a full hearing. However, if a full hearing is wanted by the parents, the court should accommodate them.

BEST PRACTICE

Regarding: Should an international adoption be “approved” in New Hampshire?

- See Probate Court Procedure Bulletin 24 for additional information on this process.

D. Will a State of New Hampshire birth certificate be issued?

A standard New Hampshire birth certificate is not issued for children born in foreign countries. A “Certificate of Foreign Birth”, however, is issued through the NH State Department, Bureau of Vital Records. They are not available through local city or town offices.

CHAPTER 12: Indian Child Welfare Act (ICWA)

25 U. S. C. §1901 et. seq.

A. What is the Indian Child Welfare Act?

ICWA was enacted by the Federal government in 1978 to “focus national attention on, and give priority to, the problems of Native American communities and their children.” B.J. Jones, *THE INDIAN CHILD WELFARE ACT HANDBOOK*, American Bar Association, (1995), p. vii. In the context of adoptions of minor children, most simply put, this means that when a prospective minor adoptee fits certain criteria defined by ICWA, additional process needs to be followed to ensure compliance with ICWA.

ICWA and the many cases nationwide issued interpreting it present a fairly complex body of law. If an adoption of a minor that may implicate ICWA is anticipated, parties and practitioners are strongly urged to consult with an attorney who has a developed an expertise with ICWA-related matters.

B. How is an Indian defined in this act?

In all cases, a determination must be made as to whether the prospective minor adoptee is an “Indian Child” as defined in 25 U.S.C. §1903(4):

“Indian child” means any unmarried person who is under age eighteen and is either (a) a member of an Indian tribe or (b) is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe.

However, not every Indian child will fall into either of the above noted categories. The Indian tribe must be one that is recognized by the U.S. government as eligible for Federal services and certain Alaskan native corporations as defined in 43 U.S.C. §1602(c). The U.S. Secretary of the Interior annually publishes a listing of Indian tribes that have such eligibility. If a tribe is not included on this list, regardless of its recognition as a tribe by the state, ICWA does not apply.

In addition, it is important to note that degree of Indian heritage, assuming a Federally recognized tribe is implicated, does not necessarily matter. If the tribe decides that the child is eligible for membership, it must declare that fact. Thereafter, such a determination is entitled to “full faith and credit.” See 25 U.S.C. 1911(d). Thus, ICWA will apply to the case. If more than one tribe is involved, a variety of facts will be considered (depending on the each birth parent’s tribal affinity) in order to determine which tribe will qualify as the child’s tribe.

C. What additional process and/or forms are required if a child is covered by ICWA?

The following summary is a basic reference ONLY. As noted above, ICWA can be complicated and should not be taken lightly. Parties and practitioners who lack expertise in ICWA-related matters are strongly urged to seek advice from an attorney with special expertise in this area.

Where ICWA is implicated, the petitioner must adequately notify the tribe of the pending adoption. No court proceedings may take place until 10 days after adequate notice is achieved.

If the tribe is not known, service may be made on the Department of the Interior, Bureau of Indian Affairs by first class mail, return receipt requested. If it is determined late in the proceedings that ICWA may be implicated, the prior proceedings may not necessarily be invalidated.

Once a recognized Indian tribe is involved, the matter may be transferred to a tribal court with appropriate jurisdiction. Tribal judges have more knowledge than state court judges about Indian child-rearing traditions, customs and as such, are thought to be better suited to determine the fate of Indian children. Only certain parties have standing to make such a transfer request. In addition, such a request to transfer must be granted in most instances, with a few exceptions. One such exception is where the state proceedings are at an advanced stage and it appears that the moving party did not promptly request the transfer, the state court may find that good cause exists to deny the transfer.

In the New Hampshire Courts, there is currently no special form related solely to ICWA. The Petition for Adoption (AOC-082) and the Surrender of Parental Rights (AOC-082S) ask petitioning parties to provide information about the child's possible Indian heritage so that the applicability of ICWA might be determined.

APPENDIX A – New Hampshire Adoption Law

CHAPTER 170-B (effective January 2, 2005)

ADOPTION

170-B:1 Purpose. The general court hereby declares its conviction that the policies and procedures for adoption contained in this chapter are necessary and desirable, having as their purpose the threefold protection of:

- I. The adoptive child, from unnecessary separation from the child's birth parents and from adoption by parents who should not have such responsibility.
- II. The birth parent or parents, from hurried and coerced decisions to give up the child.
- III. The adoptive parent or parents and ensuring them an undisturbed relationship with the child from and after the date of adoption.

170-B:2 Definitions. As used in this chapter, unless the context otherwise requires:

- I. "Adult" means an individual who is not a minor.
- II. "Agency" means any person licensed by existing law to place minors for adoption.
- III. "Birth father" means a person or persons other than a legal father who has been named, pursuant to RSA 170-B:6, as the father of the child, or who is the subject of a pending paternity action, or who has filed an unrevoked notice of intent to claim paternity of the child pursuant to RSA 170-B:6.
- IV. "Birth mother" means a woman who gestates an embryo conceived by natural or artificial insemination, in vitro fertilization, or preembryo transfer, or becomes a parent pursuant to RSA 168-B:23, IV.
- V. "Child" means a son or daughter, whether by birth or by adoption.
- VI. "Commissioner" means the commissioner of the department of health and human services.
- VII. "Court" means probate court.
- VIII. "Department" means the department of health and human services.
- IX. "Guardian" means a person so appointed by the probate court.
- X. "Legal father" means:
 - (a) The person designated as the father pursuant to RSA 5-C:11 on that child's birth certificate;
 - (b) The person designated as the father pursuant to court order resulting from a paternity action;
 - (c) The person designated as the father upon legitimation pursuant to RSA 457:42; or
 - (d) The person that was determined by the court to be married to the birth mother at the time of either conception or birth or any time between conception and birth.
- XI. "Minor" or "minor child" means any individual under the age of 18.
- XII. "Parent" means mother, birth father, legal father, or adoptive parent, but such term shall not include a parent as to whom the parent-child relationship has been terminated by judicial decree or voluntarily surrender.

XIII. “Person” means an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

XIV. “Prospective adoptive parent” means the petitioner named on an adoption petition filed in the court.

XV. “Related child” means a child within the second degree of kinship either by blood or affinity. Relatives within the second degree includes step-parents, sisters, brothers, grandparents, aunts, or uncles.

XVI. “Sibling” means one of 2 or more persons having a common parent.

XVII. “Surrender” means the release of all parental rights, including but not limited to care, custody, and control of the child, by a parent, legal guardian, or agency.

170-B:3 Who May be Adopted; Requirements. Any individual may be adopted, provided, however, that:

I. If the adoptee is 14 years of age or older, he or she must assent to the adoption unless the court determines that it is not in the best interests of the adoptee to require assent. Such an assent shall be executed by the adoptee in writing and signed in the presence of the court in which the petition for adoption has been filed.

II. If the adoptee is alleged to be incapacitated, incompetent, mentally ill, developmentally disabled, or is in any other way emotionally or mentally deficient, the court may also appoint a guardian ad litem to protect that adoptee’s interests.

III. If the adoptee, whether a minor or an adult, is married, the spouse of the adoptee shall also assent to the adoption. The court may waive this requirement for good cause shown.

170-B:4 Who May Adopt. Any of the following adults may adopt:

I. Husband and wife together.

II. An unmarried adult.

III. The unmarried parent of the adoptee.

IV. A married person without that person’s spouse joining as a petitioner, if the adoptee is not the petitioner’s spouse; and if any one of the following circumstances apply:

(a) The petitioner’s spouse is a parent of the adoptee and assents to the adoption;

(b) The petitioner and his or her spouse are legally separated;

(c) The failure of the petitioner’s spouse to join in the petition is excused by the court by reason of prolonged unexplained absence, unavailability, or circumstances constituting an unreasonable withholding of assent; or

(d) The petitioner’s spouse assents to the adoption and the adoptee is over the age of 18.

170-B:5 Persons Required to Execute a Surrender of Parental Rights.

I. Unless excused pursuant to RSA 170-B:7, a surrender of parental rights shall be obtained from:

(a) The birth mother, provided that if the birth mother is under 18 years, the court may require the assent of her parents or legal guardian;

(b) The legal father, provided that if the legal father is under 18 years, the court may require the assent of his parents or legal guardian;

(c) The birth father, provided that he was found to be entitled to notice and found to be entitled to the right to surrender his parental rights under RSA 170-B: 6, and provided that if the birth father is under 18 years, the court may require the assent of his parents or legal guardian;

(d) The legal guardian of the adoptee, if both birth parents are deceased, or if parental rights of the birth parent or parents have been surrendered or involuntarily terminated and the court has granted the guardian authority to surrender parental rights for an adoption; or

(e) The department or any licensed child-placing agency which through court action or surrender has been given the care, custody, and control of the adoptee including the right to surrender.

II. If a surrendering parent is alleged to be incapacitated, incompetent, mentally ill, developmentally disabled, or in any other way mentally deficient, the court may appoint a guardian ad litem to protect the interest of said parent.

170-B:6 Notice to Person Claiming Paternity and Hearing to Determine Right to Surrender.

I. In an intrastate or interstate adoption, but not an international adoption, the following persons shall be given notice by the court and shall have the right to request a hearing to prove paternity:

(a) A person named by the birth mother in an affidavit:

(1) Filed with the court; and

(2) Given prior to or at the time of the surrender of parental rights pursuant to RSA 170-B:9, or her parental rights being involuntarily terminated.

(b) The birth or legal father, if his identity is known by the court, the department or licensed child placing agency which is legal guardian of the child, or the proposed adoptive parents or their attorney, prior to the birth mother surrendering her parental rights pursuant to RSA 170-B:9 or her parental rights being involuntarily terminated.

(c) A person who claims to be the father and who has filed notice of his claim of paternity with the office of child support services in what shall be known as the New Hampshire putative father registry or in the putative father registry of the state where the child was born. In an interstate adoption, the petitioner shall provide the court with the address and telephone number of the putative father registry in the state where the child was born. In New Hampshire, the notice form shall be supplied by the office of child support services and shall indicate the claimant's willingness and intent to support the child to the best of his ability. The notice form may be filed prior to the birth of the child but shall be filed prior to the birth mother's parental rights being surrendered pursuant to RSA 170-B:9 or involuntarily terminated. Failure to file the notice prior to this time shall bar the alleged father from thereafter bringing an action to establish his paternity of the child, and shall constitute an abandonment of said child and a waiver of any right to a notice of hearing in any adoption proceeding concerning the child.

(d) A person who is openly living with the child or the child's birth mother or providing financial support to her or the child at the time any action under this chapter is initiated and who is holding himself out to be the child's father prior to the mother surrendering her parental rights pursuant to RSA 170-B:9 or the mother's parental rights being involuntarily terminated.

II. Any person entitled to notice under paragraph I shall be provided 30 days from the date of notice to request a hearing at which he shall have the burden of proving by a preponderance of the evidence that he is the legal or birth father of the child. The failure to request such hearing within 30 days from the date of notice shall result in a forfeiture of all parental rights and any right to notice of any adoption proceedings concerning the child.

III. This section shall be construed broadly in favor of providing an alleged father with notice pursuant to paragraph I.

170-B:7 Persons not Required to Surrender. Surrender of parental rights is not required of:

- I. The alleged father who has not met the requirements of RSA 170-B:5, I or RSA 170-B:6;
- II. A parent whose parental rights have been voluntarily or involuntarily terminated by order of a court in another state;
- III. An alleged father who is found not to be the father pursuant to RSA 168-A;
- IV. Any parent of the adoptee, if the adoptee is an adult;
- V. A parent whose parental rights have been terminated pursuant to RSA 170-C; or
- VI. Parents whose parental rights have been determined to be voluntarily or involuntarily terminated by the proper authorities in another country, such determination to be evidenced by documentation issued by the United States Department of Justice or the United States Department of State and deemed acceptable by probate court rule.

170-B:8 Immediate Surrender Prohibited; Availability of Counseling.

- I. No surrender shall be taken until a passage of a minimum of 72 hours after the birth of the child.
- II. Any parent wishing to surrender his or her parental rights for the adoption of a child shall be informed by the parent's legal counsel, or if counsel has been waived, by the potential adoptive parents or by their attorney, physician or any intermediary, acting in their behalf or a licensed child-placing agency, that child-placing agencies licensed under RSA 170-E are available to provide counseling about the parent's decision to place the child for adoption.

170-B:9 Procedure for Execution of Surrender.

- I. Any parent surrendering parental rights shall be represented by legal counsel who is not representing an intended adoptive parent or the agency, unless such representation is waived with approval of the court for good cause shown.
- II. A surrender of parental rights by a parent or guardian shall be executed by an instrument in writing, signed by the parent, in the presence and with the approval of the court of the county in which the parent resides. The court may designate a person or another court to take the parent's surrender on the court's behalf for good cause shown.
- III. Any parent surrendering parental rights shall file with the court information on the age and medical and personal backgrounds of the birth parents and child. Such personal information may include but not be limited to ethnic and religious background, as is reasonably known. This requirement may be waived by the court for good cause shown.
- IV. If the parent surrendering is under 18 years of age, the court may require the assent of the minor's parents or legal guardian.
- V. If the parent does not reside in this state, such surrender may be taken pursuant to the laws of the state where the parent resides. A surrender executed pursuant to the laws of a state other than New Hampshire shall include an affidavit stating that the surrender was taken in accordance with the laws of that state and, where applicable, that the agency named has the authority to surrender the child for an adoption.
- VI. The identification of the intended adoptive parents need not be known or disclosed to the birth parent or legal guardian in the surrender.
- VII. A surrender executed by the department or by an agency, shall be in writing and signed by the executive head or other authorized representative, in the presence of a person authorized to take acknowledgments.

170-B:10 Content of Surrender.

I. A surrender shall state that the individual executing the surrender document acknowledges that the individual's parental rights over the child will cease upon the court's approval of the surrender.

II. A surrender shall further state:

(a) An acknowledgement that after the surrender is executed in substantial compliance with 170-B:9, it is final and except under a circumstance stated in 170-B:12, may not be revoked or set aside for any reason, including the failure of an adoptive parent to comply with an arrangement or understanding reached with the birth parent with respect to the post-surrender exchange of identifying or non-identifying information, communication, or contact.

(b) An acknowledgement that the surrender will extinguish all parental obligations, except the obligation to pay any accrued unpaid child support.

(c) That the person executing the surrender has:

(1) Been informed of counseling services available through child placing agencies pursuant to RSA 170-E.

(2) Been provided legal counsel, unless waived with approval of the court for good cause shown.

(d) That the person executing the surrender has not received or been promised any money or anything of value for the surrender, except for payments permissible under 170-B:13.

(e) Whether the person executing the surrender has been informed of the identity of the adoptive parents.

(f) Whether the child is an Indian child as defined in the Indian Child Welfare Act, 25 U.S.C. Section 1901 et. Seq.

(g) Whether the person who is surrendering wishes to be notified that a final decree of adoption has been entered.

(h) That the person who is surrendering has read and understands the content of the document, any questions the person has asked have been answered by the court or its designee, and the person wishes the surrender to take effect.

170-B:11 Consequences of Surrender.

I. All parental rights shall cease and the right to notice of any future hearings shall be waived by a surrender executed in accordance with RSA 170-B:9 and approved by the court.

II. Except in the case of stepparent adoptions, upon approval of a surrender of a minor executed by the parent, the court shall issue an order granting temporary care, custody, and control of the child to the prospective adoptive parents or where applicable, to the department or agency. The temporary order shall impose upon the prospective adoptive parents or the department or agency, the responsibility for the support and medical and other care of the minor child. The temporary order shall not be valid for longer than 6 months, unless otherwise ordered by the court, and, with the exception of adoptions in which the department or an agency is involved, shall cease upon the granting of the interlocutory decree of adoption. In adoptions in which the department or an agency is involved, during the interlocutory period, the department or agency shall continue to have a legal relationship giving it responsibility for oversight of the support, medical, and other care of the minor child.

III. At the time of giving the surrender, the parent may elect to waive notice that a final decree of adoption has been entered.

IV. A surrender by a parent, executed and acknowledged in accordance with the provisions of RSA 170-B:9, may not be withdrawn except as provided in RSA 170-B:12.

V. A surrender executed by any individual not a parent waives any objection to the adoption.

VI. The status of all children for whom care, custody, and control has been transferred through surrender shall be reviewed at least once every 6 months, unless waived by the court, until an adoption decree has been finalized.

170-B:12 Withdrawal of Surrender.

I. A parent wishing to withdraw a surrender shall notify the court in writing where the surrender was taken. Notification shall be prior to the entry of the final decree.

II. Upon receiving written notice of a parent's request to withdraw his or her surrender the court shall:

- (a) Notify the prospective adoptive parents and the agency, if any, of the parent's request.
- (b) Conduct an evidentiary hearing. The rules of evidence are not applicable at this hearing. In addition, the court has the discretion to determine who shall be present at the hearing.

III. A surrender executed and acknowledged in accordance with the provisions of RSA 170-B:9 may not be withdrawn unless the court finds that:

- (a) The parent seeking to withdraw his or her surrender has proven by a preponderance of the evidence that the surrender was obtained by fraud or duress.
- (b) The withdrawal of the surrender is in the best interests of the adoptee. In making this determination, the court may consider every facet of each parent's life.

IV. The court shall notify any other party who has surrendered rights to the child of the issuance of its order granting the withdrawal of such surrender. Notice sent by regular first class mail to the last known address on file with the court shall be sufficient and shall include with it a replication of RSA 170-B:12. The party shall have 30 days from the date of the register's notice of decision to request in writing to the court that his or her surrender be withdrawn as well. The 30-day time period to file such a request shall not be extended by the court absent a showing of good cause.

- (a) Upon the court's timely receipt of the request, the court shall, except in the case of a surrender to the department, allow that party's withdrawal as of right and shall enter an order withdrawing such surrender.
- (b) In the case of a surrender to the department, upon timely receipt of the request, the provisions of paragraphs II and III shall apply.

V. A surrender may not be withdrawn after the entry of the final decree of adoption for any reason.

170-B:13 Payment of Birth Parent Expenses; Penalty.

I. In any adoption of an unrelated minor child under this chapter, an intended adoptive parent or anyone acting in concert with, at the direction of, or on behalf of an intended adoptive parent shall pay only the following expenses of the birth parent:

- (a) Reasonable counseling, medical, and legal fees, which shall be paid by the party responsible for payment to the provider of the service.
- (b) Reasonable expenses for transportation, meals, clothing, and lodging incurred for placement of the minor child.
- (c) Reasonable expenses for adoption services provided by an agency at the request of the birth parent, which shall be paid directly to the agency.
- (d) Reasonable living expenses of the birth mother which are necessary to maintain an adequate standard of living, which the birth mother is unable to otherwise maintain because of loss of income or other support resulting from the pregnancy and lost wages resulting from the pregnancy or delivery. Payments may cover expenses incurred during the pregnancy-related incapacity, but not for a period longer than 6 weeks

following delivery. Reasonable living expenses shall not include gifts in excess of \$50, educational expenses, or other payments for the monetary gain of the birth parent.

II. A contract purporting to require a birth parent to reimburse an intended adoptive parent for such payments under any circumstances, including circumstances in which a birth parent refuses to surrender his or her parental rights or withdraws said surrender, is void as against public policy.

III. Violations of this section shall not affect the force or effect of an adoption decree issued pursuant to this chapter; specifically, it shall not be grounds for the finding of fraud or duress affecting the validity of a surrender that an adoptive parent paid or refused to pay expenses or other money or things of value not allowed by this section.

IV. The court may issue appropriate orders to enforce this section, including orders for reimbursement.

170-B:14 Arrangements Between Adoptive and Birth Parents. Nothing in this chapter shall be construed as encouraging, discouraging, or prohibiting arrangements or understandings reached between the adoptive parents, the birth parents, or the licensed child-placing agency with respect to the post-surrender exchange of identifying or non-identifying information, communication, or contact; provided that no such arrangement or understanding shall be binding or enforceable at law or in equity.

170-B:15 Jurisdiction, Venue, and Inconvenient Forum.

I. The probate court has exclusive jurisdiction to grant a petition for adoption if the adoptee is present in the state or is in the legal custody or legal guardianship of an authorized agency located in the state at the time of filing of the petition. All of the requirements of RSA 170-A, if applicable, shall be met.

II. The petition for adoption shall be filed in the probate court of the county in which the surrender has taken place, or in the probate court of the county where a guardianship under RSA 463 or a termination of parental rights under RSA 170-C proceeding has occurred related to the same adoptee.

III. If the court finds that in the interest of substantial justice the matter should be heard in another court, the court may transfer the proceeding in whole or in part to another court within the state or other foreign jurisdiction.

170-B:16 Petition for Adoption.

I. A proceeding to adopt a minor child, other than a related minor child, shall be commenced by the filing of a petition within 30 days after such minor child has been placed in an adoptive home, provided that such petition may be filed at a later date by leave of court upon a showing that the failure to file such petition within such 30-day period was not due to the petitioners' culpable negligence or their willful disregard of the provisions of this section.

II. A petition to adopt an adult or a related minor child may be filed at any time.

III. The following information shall accompany every petition for adoption:

(a) Written surrenders as required by RSA 170-B:5.

(b) The name of any person whose surrender is required but who has not surrendered his or her parental rights.

(c) Facts or circumstances which excuse the lack of such surrender normally required, including but not limited to an order of termination of parental rights, forfeiture, or waiver.

IV. A petition for adoption shall be signed and verified by the petitioner, filed with the register of probate and shall state:

(a) As the caption, "In the Matter of the Adoption of _____". The adoptee shall be designated in the caption under the person's birth name.

- (b) The date and place of birth of the adoptee, if known.
- (c) The name to be used for the adoptee.
- (d) The date and name of the court where the petitioner acquired custody of the minor and of placement of the minor and the name of the person or agency placing the minor.
- (e) The full name, age, place, and duration of residence of the petitioner.
- (f) The marital status of the petitioner, including the date and place of marriage, if married.
- (g) That the petitioner has facilities and resources, including those available under a subsidy agreement, suitable to provide for the nurture and care of the minor adoptee, and that it is the desire of the petitioner to establish the relationship of parent and child with the adoptee.

V. A certified copy of the birth certificate or verification of birth record of the adoptee shall be sent to the court.

VI. Any name by which the adoptee was previously known shall not be disclosed in the notice of hearing, or in the decree of adoption.

VII. If a minor child is to be adopted from another state or country, the petition shall include documentation indicating compliance with RSA 170-A and RSA 170-B:28.

VIII. If the surrender was executed in another state or country, or medical information was not provided as required under 170-B:9, III, the petitioner shall file with the court information on the age and medical and personal backgrounds of the birth parents and minor child. Such personal information may include but not be limited to ethnic and religious background, as is reasonably known.

170-B:17 Notice of Petition.

I. After the filing of a petition to adopt a minor, the court shall fix a time and place for hearing the petition. Notice shall be given by the court to the petitioners, all guardians of the child, the person having legal custody of the child, and the guardian ad litem of any party. Notice shall be given by regular mail.

II. After the filing of a petition to adopt an adult, the court, by order, shall direct that a copy of the petition and a notice of the time and place of the hearing be given to any person whose assent is required but who has not assented as provided in RSA 170-B:3. The court may order an appropriate assessment to assist it in determining whether the adoption is in the best interest of the persons involved.

170-B:18 Assessment.

I. Before the petition is heard, in the adoption of a related minor child, or an adoption of a minor child through an agency, an assessment shall be made by the department, or by a licensed child-placing agency into the conditions of the petitioner for the purpose of ascertaining whether the adoptive home is a suitable home for the minor child and whether the proposed adoption is in the best interest of the minor child. In determining whether the petitioner will be able to give the prospective adoptee a proper home and education, the court shall give due consideration to any assurance by the commissioner or designee that the commissioner will provide or contribute funds for the necessary maintenance or medical care of the prospective adoptee under an adoption subsidy agreement. The court has the discretion to also request an assessment of the extended birth family of a minor child sought to be adopted. The written report of the assessment shall be filed with the court by the investigating agency not later than 60 days after the petition has been filed in the probate court.

II. In the adoption of a minor child, other than a related minor child or an adoption through an agency, the potential adoptive parents shall request such an assessment by the department, or by a licensed child-placing agency, at least 30 days before the minor child is placed in the parents' home. Failure to comply with the provisions of this paragraph shall be grounds for dismissal of the petition for adoption, provided that such petition may be granted upon a showing that the failure to request an assessment within such 30-day

period was not due to the petitioners' culpable negligence or their willful disregard of the provisions of this paragraph. However, prior to the hearing on the petition, an assessment by the department, or by a licensed child-placing agency, shall be filed with the court.

III. Notwithstanding the provisions of RSA 170-B:18, I and II, the court may proceed to hearing and decree without an assessment where the petitioner or petitioner's spouse is the birth parent of the minor child to be adopted. If the court has waived or limited the extent of an assessment pursuant to RSA 170-C:9, II, the court may order the petitioners to consult with a child-placing agency licensed pursuant to RSA 170-E to consider whether adoption is in the best interests of the minor child subject to the petition and themselves.

IV. The department or a licensed child-placing agency making the required assessment may request other departments or licensed child-placing agencies within or outside this state to make the assessment or designated portions thereof as may be appropriate. Where such written assessments are made, a written report shall be filed with the court; provided, however, said report shall not violate RSA 170-A, the interstate compact on the placement of children.

V. Notwithstanding the provisions of RSA 170-B:18, I and II, in the adoption of a related minor child, the court may, for good cause shown, proceed to a hearing and a decree without an assessment when both of the following circumstances are met:

(a) The parents of the minor child have surrendered their parental rights; and

(b) The minor child has resided with the petitioners to whom the child is related for at least 3 years prior to filing the petition for adoption.

VI. Notwithstanding any of the above requirements, the court shall require a background check in all adoption proceedings if there has not been an assessment. The background check will include both a criminal records check conducted by the New Hampshire state police and a search of the abuse and neglect registry maintained by the department. If the court has information that the petitioner has lived in another state, the court may also request a search of that state's abuse and neglect registry.

170-B:19 Hearing.

I. The petitioner and the adoptee shall appear at the hearing on the petition, unless the presence of either is excused by the court for good cause shown.

II. The court may continue the hearing from time to time to permit further observation, assessment, or consideration of any facts or circumstances affecting the granting of the petition.

III. In the case of an adult adoptee, if at the conclusion of the hearing, the court determines that the required assents as required by RSA 170-B:3 have been obtained and the adoption is in the adoptee's best interests, the court may issue a final decree of adoption.

IV. In the case of a minor adoptee, if at the conclusion of the hearing the court determines that the required surrenders have been obtained or excused and that the adoption is in the best interest of the adoptee, it:

(a) May issue a final decree of adoption, where the petitioner or the petitioner's spouse is a birth parent of the minor adoptee;

(b) May issue a final decree of adoption in the adoption of a related minor child pursuant to RSA 170-B:18, V; or

(c) Shall issue an interlocutory decree of adoption which shall not become final until the minor adoptee has lived in the adoptive home for at least 6 months after placement by an agency or the department or for at least 6 months after the department or the court has been informed of the custody of the minor by the petitioner, and the department or a licensed child-placing agency has had an opportunity to observe or investigate the adoptive home.

V. Before a final decree of adoption is issued in the adoption of a minor child not related to the petitioner or one of the petitioners, the petitioners shall file with the court on forms supplied by the department an affidavit listing the amount of fees or other charges, whether in the form of cash, gifts, or other thing of

value, paid to, or on behalf of, birth parents, physicians, attorneys, or any other person in connection with the adoption, including but not limited to fees for medical, legal, or assessment services conducted pursuant to RSA 170-B:18, or board and care for the birth mother or minor child.

VI. If the requirements of a decree under RSA 170-B:19, III or IV have not been met, the court shall either:

(a) Dismiss the petition and determine the person to have custody of the minor child pursuant to RSA 170-B:20, III; or

(b) Extend the interlocutory period, and determine the person to have custody of the minor child, including the petitioners if in the best interest of the minor child. The court may provide for observation, assessment, and further report on the adoptive home during the extended interlocutory period.

170-B:20 Dismissal of Adoption Proceedings.

I. If at any time between the filing of a petition and the issuance of the final order completing the adoption it is known to the court that circumstances are such that the adoptee should not be adopted, the court may dismiss the proceedings.

II. Before entering an order to dismiss the proceedings and prior to a hearing, the court shall give notice of not less than 5 days to the petitioners and to the department or agency having made the assessment, and they shall be entitled to be present at such hearing to admit or refute the facts upon which the impending action of the court is based.

III. If the petition is dismissed or withdrawn, the custody of the minor child shall revert to the department or agency having had custody prior to the filing of the petition. In all other cases when a petition is dismissed or withdrawn, the minor child shall be placed in the custody of the department and the court shall order the department to make further assessment and report to the court regarding a suitable plan for the future well-being of the minor child.

IV. The court may order and require persons having an obligation, to contribute to the support and maintenance of the minor child in such amounts and at such times as it determines are just and reasonable.

170-B:21 Appeals and Validation of Adoption Decrees.

I. An appeal from any final or interlocutory decree rendered by the court may be taken in the manner and time provided in RSA 567-A, except that no appeal shall be allowed from any order or decree involving proceedings for adoption unless taken within 30 days from receipt of such order or decree.

II. Subject to the disposition of an appeal upon the expiration of one year after a final adoption decree is issued, the decree cannot be challenged by any person including the petitioner, in any manner upon any ground, including fraud, misrepresentation, failure to give any required notice, or lack of jurisdiction of the parties or of the subject matter.

170-B:22 Report of Adoption.

I. Within 7 days after the final decree is filed, the register of probate shall send to the town clerk of the town where the adoptee was born and to the commissioner by mail a report of the adoption. The bureau of vital records and health statistics shall provide suitable forms for such reports.

II. Each month the register of probate shall send to the department, on forms supplied by the department, summaries of the affidavits filed pursuant to RSA 170-B:19, V. The department shall publish an annual report relative to general fees and other charges for adoption and related services.

170-B:23 Confidentiality of Records. Notwithstanding any other law concerning public hearings and records:

I. All hearings held in adoptive proceedings shall be in closed court without admittance of any person other than essential officers of the court, the parties, their witnesses, counsel, and representatives of the agencies present to perform their official duties.

II. All papers and records, including birth certificates, pertaining to the adoption, whether part of the permanent record of the court or of a file in the division, in an agency or office of the town clerk or the bureau of vital records and health statistics are subject to inspection only upon written order of the court for good cause shown, except as otherwise provided in RSA 170-B:24.

III. Nothing contained in this section or RSA 170-B:24 shall prevent the department or the licensed child-placing agency from sharing with the adoptive parents all information it has available about the minor child being placed for adoption. The department or the licensed child-placing agency shall delete any information which would tend to identify a birth parent.

170-B:24 Requests for Identifying and Non-Identifying Information.

I. Requests for non-identifying social or medical information shall be handled in the following manner:

(a) Requests for non-identifying social or medical information may be made by an adoptee over the age of 18; a parent of an adoptee under the age of 18; or a birth parent of an adoptee.

(b) When any of the above listed people submits a request for non-identifying social or medical information, the department or agency shall disclose such information relating to the adoptee, the birth parents, or the blood relatives. The department or the agency shall delete any information from the health history or background which would tend to be identifying. Court approval is not required for information disclosed under this paragraph.

II. If the parties mutually consent to the release of identifying information, it shall be released as provided in this paragraph.

(a) Only the following people may sign a written release authorizing the department or licensed child-placing agency to disclose identifying information about an adoptee, a birth parent, or a blood relative:

(1) An adoptee over the age of 18 may sign a release to authorize disclosure of identifying information as provided in this section.

(2) The adoptive parents of an adoptee under the age of 18 may also sign a release to authorize disclosure of identifying information as provided in this section. However, said release shall become void when the adoptee reaches the age of 18.

(3) A birth parent of an adoptee may sign a release authorizing disclosure of identifying information as provided in this section at the time of surrender or later. A separate release shall be signed by each birth parent.

(b) Any release made pursuant to this section may be revoked or amended at any time.

(c) The person signing the release of information or its revocation shall file a copy of such release or revocation with the department or licensed child-placing agency conducting the assessment under RSA 170-B:18, if any. The department or licensed child-placing agency shall then file a copy of the release with the court in which the adoption petition was filed.

(d) The release of information shall contain the social security number of the person signing the release. The social security number shall be used only for purposes of locating that person and shall not be otherwise disclosed.

(e) When the department or agency involved in the adoption receives a request for identifying information where a release has been signed and not previously revoked, the department or agency shall attempt to contact the person who signed the release to reaffirm that person's desire to be contacted. If the person reaffirms his or her desire to be contacted or the department or agency cannot locate the person who signed the release or if the person is deceased, the department or agency shall disclose identifying information to the person who requested it. Court approval is not required for information disclosed under this paragraph.

(f) When the department or agency involved in the adoption receives a request for identifying information where no release has been signed or the previously signed release has been revoked, the department or agency may, after review of its records, attempt to contact the person whose identity is sought, to ascertain if they desire to release identifying information. If the person whose identity is sought, and the person seeking identifying information agree to the release of identifying information, the department or agency shall release it. Court approval is not required for information released under this subparagraph.

III. Court approval shall be required prior to the release of identifying information in the following cases:

(a) If the parties do not agree, or if they cannot be contacted, or if the department or agency questions the safety of releasing information pursuant to paragraph II, the requesting party or the department or agency may petition the court having jurisdiction for the release of identifying information. The department or agency shall file a report of the department or agency's action with the court. The court shall on its own motion or on request of any party hold a hearing on the issue of releasing identifying information. The department or agency involved shall receive notice of the hearing and be entitled to participate in any hearing under this section.

(b) For all other requests for identifying information under this section, court approval shall be required. The court shall request a review of the record and the facts of the request from the department or agency involved in the adoption. The court may hold a hearing on the issue of releasing identifying information. The department or agency involved shall receive notice of such hearings and be entitled to participate in any hearing under this section.

IV. Any person violating this section or RSA 170-B:23 shall, if a natural person, be guilty of a misdemeanor, and any other person shall be guilty of a felony.

170-B:25 Effect of Petition and Decree of Adoption; Inheritance.

I. Upon the issuance of the final decree of adoption, the adoptee shall be considered the child of the adopting parent or parents, entitled to the same rights and privileges and subject to the same duties and obligations as if such adoptee had been born of the adopting parent or parents.

II. Upon the issuance of the final decree of adoption, the adoptee shall no longer be considered the child of such adoptee's birth parent or parents and shall no longer be entitled to any of the rights or privileges or subject to any of the duties or obligations of a child with respect to the birth parent or parents; but, when a child is adopted by a stepparent, the child's relationship to such child's birth parent who is married to the stepparent shall in no way be altered by reason of the adoption.

III. Notwithstanding any provision of law to the contrary, upon the issuance of a final decree of adoption in which only one spouse is petitioner, the adopted child shall be the child of the adopting spouse. Such child's relationship to the birth parent of the same sex as the non-adopting spouse shall not be altered if the child and the birth parent so agree. Such child shall no longer be deemed to be the child of such child's birth parent of the same sex as the adopting spouse.

IV. Upon the issuance of a final decree of adoption, all reciprocal rights of inheritance between the adoptee and the adoptee's birth parents and their respective collateral or lineal relatives shall contemporaneously cease.

V. Upon the issuance of a final decree of adoption, all reciprocal rights of inheritance between the adoptee and the adoptive parents and their respective collateral or lineal relatives shall contemporaneously begin.

VI. Nothing contained in this section shall limit in any way the right of any person to provide for the disposition of his or her property by will. The rights of a child adopted after the making of a will by the adoptive parent or parents shall be the same as the rights of an after-born child. When the adoptive parent is a stepparent, married to a birth parent, nothing contained in this section shall affect the rights of inheritance between the child and such child's birth parent or their collateral or lineal relatives. In the

absence of specific language to the contrary, an adoptee shall be considered the same as a birth child, issue or heir of the body.

170-B:26 Change of Name. If in a petition for the adoption of a child a change of name is requested, the court, upon decreeing the adoption, may also decree such change of name.

170-B:27 Readoption.

I. Any minor child may be readopted in accordance with the provisions of this chapter. All provisions relating to the birth parent or parents shall apply to the adoptive parent or parents except that in no case of readoption shall a birth parent be made a party to the proceedings, nor shall the surrender of parental rights by a birth parent be necessary. For purposes of service of process, necessary parties and surrender, the adoptive parent or parents shall be substituted for the birth parent.

II. The court may validate and issue an adoption decree for an adoption finalized in another jurisdiction, provided that evidence satisfactory to the court is produced to demonstrate the validity of such adoption. For the purposes of this paragraph, satisfactory evidence includes documentation from the United States Department of Justice or the United States Department of State that a legal adoption has been completed in another country. Probate court rules shall specify such acceptable documentation.

170-B:28 Placement of a Child from Another State or Country. Any person or any public or private agency, corporation, or organization, before bringing or causing any child to be brought into this state from any other state or country for the purpose of adoption, or receiving such child in this state for such purpose, shall make application to the commissioner of the department. Such application shall be in the form prescribed by the commissioner and shall contain such information as the commissioner may require, including any information required to comply with the provisions of RSA 170-A. No placement of the child shall occur until permission has been obtained from the commissioner. No petition for adoption of a child from another state or country shall be granted in the absence of compliance with this section.

170-B:29 Recognition of Foreign Decree Affecting Adoption. A decree of court terminating the relationship of parent and child or establishing the relation by adoption issued pursuant to due process of law by a court of any other jurisdiction within or without the United States shall be recognized in this state and the rights and obligations of the parties as to matters within the jurisdiction of this state shall be determined as though the decree was issued by a court of this state.

170-B:30 Fees and Court Costs. All entry fees and court costs shall be paid by the petitioner. The court, however, may waive entry fees and court costs where payment would work a hardship on the petitioner. The department is exempt from paying any entry fees and court costs.

170-B:31 Amended Birth Certificate. A birth certificate issued for an adoptee shall make no reference to adoption and shall conform as nearly as possible to any other birth certificate.

255:7 Applicability. This act shall apply to all adoption proceedings or pleadings filed on or after the effective date of this act.

255:8 Effective Date. This act shall take effect January 2, 2005.

(Approved: June 15, 2004)

(Effective Date: January 2, 2005)

APPENDIX B – Adoption-related Forms

Following is a list of the primary forms used in the surrender of parental rights and adoption processes. Forms are periodically revised so current forms should be obtained from a probate or family division court or from the New Hampshire Judicial Branch Website at: www.courts.state.nh.us

| Form | Description of Form |
|---|---|
| Surrender of Parental Rights (AOC-082S-003) | RSA 170-B:5 specifies the persons required to consent to an adoption. Each of those people, if appropriate to the case, must complete one of these forms to tell the court that they approve of the adoption to be completed. |
| Affidavit of Birth Mother (AOC-082F-003) | Form to be completed by birth mother in consent or relinquishment procedure. |
| Notice to Alleged Father (AOC-082C-003) | This form is sent from the court to a person who has been named as the father of the child or who is alleged to be the father of the child. |
| Notice of Intent to Claim Paternity and Request for Hearing (AOC-205-003) | This form must be filed by an alleged father to give the court notice of his intent to claim paternity of a child, and to request a hearing on that paternity claim. |
| Petition for Adoption (AOC-082-003) | This petition is the primary form filed in the adoption of either a minor child or adult, although other documents as well as an original birth certificate of the child are also required. |
| Interstate Adoption Putative Father Registry Information (AOC-082J-003) | RSA 170-B:5-a requires the person filing a petition for an interstate adoption to also file this form with the court to tell the court the name and location of the putative father registry in the state where the child was born. |
| Petition for Validation of Adoption Finalized in a Foreign Country (AOC-082K-003) | If an adoption has been finalized in another country, the adoptive parent may be able to file this petition to ask the court to validate the adoption in NH. |
| Medical Information on Birth Parents (AOC-200-003) | This form is filed by a birth parent surrendering his or her rights to provided non-identifying medical background information on the birth parents. |
| Petition/Motion (AOC-077-003) | Used when there is not a specific form available and the petitioner wants to ask the court to take some action. |

APPENDIX C – Guidelines to Conduct Hearing for Surrender of Parental Rights

Following are examples of the types of information that the judge may request and discuss during the hearing on surrender of parental rights:

- The full name, address and age of the parent surrendering his or her parental rights.
- The parent's level of education and other background information, including medical information, state of health (emotional and physical) and right to receive counseling regarding the surrender of parental rights.
- Whether the parent has an attorney or has consulted with an attorney.
- The parent's understanding of the surrender process and the surrender form, and the parent's reasons for surrendering his or her parental rights.
- Information about the "Release of Information" form which may be signed so that the child may contact the parent at a later time.

APPENDIX D – Guidelines for Assessment of Adoptive Family

In New Hampshire, adoptive family assessments are conducted by licensed child-placing agencies. Each agency is held to the child placing standards set by the State of New Hampshire which mandates the gathering of certain information regarding the adoptive applicant's life. All household members should somehow be involved in the assessment process. The process recognizes the vast differences in families and in individual histories. It should be used as a tool to assess the family's or individual's readiness to adopt, and as a screening tool to find the right family for a particular child. Assessments should include the following information:

1. Identifying Information
2. Dates of Contact
3. Motivation for Adoption
4. Child Desired
5. Family Social History and Dynamics
6. Adult Relationships and Support Systems
7. Children and Other Members in the Household
8. Communication and Parenting
9. Discipline and Child-rearing Values
10. Description of the Home
11. Interests, Activities and Community Involvement
12. Spirituality
13. Health
14. Education, Employment History and Finances
15. Current Employment
16. Attitude toward Birth Families, Ongoing Contact and Search for Birth Families
17. Summary of Reference Letters
18. Record Checks and Verification of Adoption Preparation Seminar
19. Overall Summary of Assessment and Recommendations – Include any relevant issues dealt with, and where to find such discussion in the assessment document.

APPENDIX E – Foreign Countries Granting Full and Final Adoptions

This section is under development.

APPENDIX F – Adoption Reading and Resource List

ON-LINE RESOURCES

www.adoption.org

Adoption Network is a volunteer-operated resource serving all members of the adoption triangle.

www.adoption.com

Adoption.com offers useful information, links and library.

www.travel.state.gov

The U. S. Department of State website provides information on international adoption requirements for countries all over the world and also updates travel advisories.

www.uscis.gov

The U. S. Citizen and Immigration Bureau has critical information about their requirements for international adoptions.

<http://naic/acf.hhs.gov>

This website is the Nation Adoption Information Clearinghouse and is part of the U. S. Department of Health and Human Services.

PUBLISHERS AND CATALOGS

Tapestry Books
Adoption Book Catalog
P. O. Box 6448
Hillsborough, NJ 08844
(800) 765-2367

A comprehensive catalogue covering a full range of adoption topics.
Also available online at: www.tapestrybooks.com

APPENDIX G – Court Contact Information

| PROBATE COURTS (Listed by County) | FAMILY DIVISION COURTS (Listed by County – as of 11/19/04) |
|--|---|
| Belknap Probate (603) 524-0903 64 Court Street P. O. Box 1343 Laconia, NH 03246 | GRAFTON COUNTY |
| Carroll Probate (603) 539-4123 96 Water Village Road - #1 Ossipee, NH 03864 | Lebanon Family Division (603) 643-3666 38 Centerra Parkway Lebanon, NH 03766 |
| Cheshire Probate (603) 357-7786 12 Court Street Keene, NH 03431 | Littleton Family Division (603) 444-3187 134 Main Street Littleton, NH 03561 |
| Coos Probate (603) 788-2001 55 School Street, Suite 104 Lancaster, NH 03584 | North Haverhill Family Division (603) 787-6820 3785 Dartmouth College Highway, Box 9 North Haverhill, NH 03774 |
| Grafton Probate (603) 787-6931 3785 Dartmouth College Highway, Box 3 North Haverhill, NH 03774-9700 | Plymouth Family Division (603) 536-7609 26 Green Street Plymouth, NH 03264 |
| Hillsborough Probate (603) 882-1231 30 Spring Street P. O. Box 387 Nashua, NH 03061-0387 | ROCKINGHAM COUNTY |
| Merrimack Probate (603) 224-9589 163 North Main Street Concord, NH 03301 | Brentwood Family Division (603) 642-6314 P. O. box 1208 Kingston, NH 03848-9998 Location: 10 Route 125, Brentwood, NH |
| Rockingham Probate (603) 642-7117 Rockingham County Courthouse P. O. Box 789 Kingston, NH 03848 Location: 10 Route 125, Brentwood, NH | Derry Family Division (603) 421-0077 10 Manning Street Derry, NH 03038 |
| Strafford Probate (603) 742-2550 County Farm Road P. O. Box 799 Dover, NH 03821 | Portsmouth Family Division (603) 433-8518 111 Parrott Avenue Portsmouth, NH 03801-4490 |
| Sullivan Probate (603) 863-3150 P. O. Box 417 Newport, NH 03773 | Salem Family Division (603) 893-2486 35 Geremonty Drive Salem, NH 03079 |